TOWN BOARD LEGISLATIVE AGENDA

Wednesday, October 17, 2018 7:00 PM
Supervisor R. Anthony LaFountain, presiding

I. Call to Order - Pledge of Allegiance - Roll Call
II. Communications and Announcements
III. Public Participation
IV. Additions and Deletions to Agenda
V. Approval of Minutes - September 5, 2018; September 12, 2018
VI. Petitions
VII. Resolutions by Function

Law and Finance
18T-183 Adoption of Final Budgets for Fiscal Year 2019 for the Town of Penfield
18T-184 2018 Budget Transfers Recreation and Town Court
18T-185 Granting a Conditional Use Permit and Preliminary and Final Site Plan Approval to Allow a 4,692 Square Foot Veterinary Hospital at 1467 Empire Blvd.
18T-186 Setting a Public Hearing to Consider Issuance of a Conditional Use Permit to Allow a Gold and Antique Jewelry Store at 1833 Penfield Road
18T-187 Granting Approval of a Conditional Use Permit to Allow Live Music in the Outdoor Dining Area at K2 Brewery Located at 1221 Empire Blvd.
18T-188 Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow Pavement within a Sanitary Sewer Easement at 410 & 414 Maryview Drive

Public Works
18T-189 Advertising for Bids for the Phase II Replacement of a Portion of the Roof at the Community Center
18T-190 Authorization to Sign an Intermunicipal Agreement for Snow and Ice Control Services between the Town of Penfield and Monroe County Department of Transportation

Public Safety - None

Community Services
18T-191 Authorization for Supervisor to Sign Recreation Contracts

VIII. Old Business
IX. New Business
X. Public Participation
XI. Executive Session
XII. Next Meeting: November 7, 2018
XIII. Adjournment

This meeting will be video recorded and broadcast LIVE via the town’s website www.penfield.org and the Town’s Government Access Cable Channel 1303. Questions regarding video coverage contact Penfield TV at (585) 340-8661.
The Regular meeting of the Penfield Town Board was held on Wednesday, October 17, 2018 at 7:00 PM at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York.

Present: R. Anthony LaFountain  Supervisor  
Linda Kohl  Councilwoman  
Paula Metzler  Councilwoman  
Andrew Moore  Councilman  
Robert Quinn  Councilman  

Also Present: Amy Steklof  Town Clerk  
Richard Horwitz  Town Attorney  
Bernadette Brinkman  Library Director  
Barbara Chirdo  Town Comptroller  

Supervisor LaFountain called the meeting to order – Pledge of Allegiance  

Councilwoman Kohl presented a Proclamation proclaiming “National Friends of Libraries Week October 21 to October 28, 2018” to Ellen Garfinkel, Treasurer of Friends of Penfield Library and Carole Pepe, VP of Publicity. Ms. Garfinkel and Ms. Pepe thanked the Town for the recognition and encouraged residents to volunteer to help with the Annual Book Sale. 

Supervisor LaFountain stated that the Library is a great resource and gave kudos to the “Friends of the Library” for all of their hard work. He thanked them on behalf of the Town Board and the Town. 

Nancy Collier Van Apeldoorn spoke about Lap Robes for Veterans, a non-profit organization in which dedicated volunteers donate their time to make military branch specific lap blankets for Veterans. Volunteers meet once a month at Jackie Lynn’s Discount Sewing and Fabric Center to help make the lap robes. Ms. Van Apeldoorn has been sewing and presenting lap robes to Veterans for over a decade. If anyone is interested in making or handing out lap robes to Veterans, please visit www.laprobesforveterans.com or contact Ms. Van Apeldoorn at nvanapeldoorn@gmail.com. 

Supervisor LaFountain thanked Ms. Van Apeldoorn for speaking at the Town Board meeting and thanked her for all she does. 

Communications and Announcements 

1. The Penfield Ecumenical Food Shelf (PEFS) is in need of non-perishable foods. For a listing of items needed, please visit www.penfieldecumenicalfoodshelf.org or call (585)-234-0799. Donations can be made at the PEFS facility located at 1618 Jackson Road. 

2. Election Day will be held on Tuesday, November 6, 2018 from 6:00 AM to 9:00 PM. For more information please contact Town Clerk Amy Steklof at 340-8629 or visit www.monroecounty.gov. 

3. The Mobile DMV will not be available at the Town Hall on November 6, 2018, but will return on Tuesday, November 13, 2018. 

4. Daylight Savings Time begins Sunday, November 4, 2018 at 2:00 AM, turn back your clocks one (1) hour. Please take this opportunity to test the batteries in your smoke alarms and CO2 detectors and go over your household emergency safety plan. 

5. The Department of Public Works wishes to ask everyone to help keep fallen leaves and other debris out of catch basins, yard inlets and roadways.
Communications and Announcements – Continued

6. The Town’s Family Halloween event will be held at the Penfield Community Center on Friday, October 19, 2018. For more information please visit www.penfieldrec.org.

7. The Penfield Players will be holding their performances for their fall play, Joe DiPietro’s “Over the River and Through the Woods,” Directed by Tom Bigongiari. Shows will be held for the next two (2) weeks at the Penfield Community Center. For more information visit www.penfieldplayers.org or call 340-8655.

8. Penfield Rotary’s Fall Euchre tournament will be held on Sunday, October 21, 2018 at the Legacy at Willow Pond. For complete details visit www.penfieldrotary.org.

9. Councilwoman Kohl’s next Community Chat will be held on Tuesday, November 20, 2018 from 5:30 PM to 7:00 PM at the Penfield Library, 1985 Baird Road.

Supervisor LaFountain gave a shout out to the Penfield Little League. The league has been selected to host the NYS Championship for players between the ages of 10 – 12. The Penfield Little League was chosen based on its Board, Concessions and Town’s Sporting Complex. The 10 – 12 division is the age bracket that competes in the Little League World Series in Williamsport, PA each August. Penfield will host the State Tournament in July. Congratulations to Penfield Little League.

Public Participation - None

Additions and Deletions to Agenda

Councilman Moore moved to add Resolution 18T-192, Councilwoman Kohl seconded.

Approval of Minutes

Councilwoman Kohl moved to approve the Minutes of September 5, 2018 Councilman Quinn seconded and all voted “Aye.”

Councilman Quinn moved to approve the Minutes of September 12, 2018 Councilwoman Metzler seconded and all voted “Aye.”

Petitions - None

Resolutions by Function

Law and Finance

#18T-183 Adoption of Final Budgets for Fiscal Year 2019 for the Town of Penfield by Moore

WHEREAS, the Town Board of the Town of Penfield having on the 3rd day of October 2018 commencing at 7:00 PM, duly held a Public Hearing on the preliminary budgets for the fiscal year beginning January 1, 2019, and

WHEREAS, all requirements of Article 102 through 109 of the New York State Town Law for preparation and adoption of the General, Highway, and Library Budgets have been met, and

WHEREAS, all requirements of Article 15 of the New York State Town Law for preparation and adoption of the Special District budgets have been met, and

WHEREAS, in addition to the above legal requirements, a presentation of the 2019 Tentative Budget was made at the Town Board meeting on September 12th and,
WHEREAS, all persons desiring to be heard in the matter of the budgets of the Town of Penfield for fiscal year 2019 having been fully heard,

NOW THEREFORE, BE IT RESOLVED, that the Final Budgets for the General, Highway, and Library Funds, and the Special Districts be and the same are hereby adopted as the annual budgets for the fiscal year beginning January 1, 2019, and that such annual budgets as so adopted, be entered in detail in the minutes of the proceeding of this Town Board, and the annual budgets made available for public inspection at the Town Clerk’s Office during normal business hours as well as in the Finance Office at the Town Hall located at 3100 Atlantic Avenue, and the Public Library at 1985 Baird Road, and

BE IT FURTHER RESOLVED, that the Clerk of the Town of Penfield prepare and certify as provided by Law, duplicate copies of said annual budgets together with Assessment Rolls for the Town, and deliver one (1) of such copies to the Supervisor of this Town, and that the Supervisor shall provide such copy to the Monroe County Legislature, as required by Law.

Moved: Moore  
Seconded: Kohl

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<th>Kohl</th>
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Adopted

#18T-184  2018 Budget Transfers Recreation and Town Court by Moore

WHEREAS, the Town Justices require additional funding for upcoming trial expenses, and

WHEREAS, additional funding is needed for postage, and

WHEREAS, the Town Board desires to have an up-to-date budget in relation to current income and expenditures,

NOW, BE IT RESOLVED, that the following 2018 Budget Transfers be approved as follows:

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Moved: Moore  
Seconded: Quinn

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<td>Quinn</td>
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Adopted
#18T-185  Granting a Conditional Use Permit and Preliminary and Final Site Plan Approval to Allow a 4,692 Square Foot Veterinary Hospital at 1467 Empire Blvd. by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit and Preliminary and Final Site Plan Approval pursuant to Chapters 250-5.9B(1)(k) and 250-13.3 of the Code to a allow a 4,692 square foot veterinary hospital at 1467 Empire Blvd., located in the LaSalle’s Landing Development (LLD) zoning district;

WHEREAS, the Town Board of the said Town of Penfield held a Public Hearing at the Town Hall, 3100 Atlantic Avenue, in the Town of Penfield, New York on October 3, 2018, at 7:00 PM on said date, to consider the application and hear all persons interested on the question of the issuance of a Conditional Use Permit and Preliminary and Final Site Plan approval to allow a 4,692 square foot veterinary hospital at 1467 Empire Blvd., located in the LaSalle’s Landing Development (LLD) zoning district and the Public Hearing was closed and decision was reserved;

WHEREAS, the Penfield Town Board acting as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and did designate itself as “lead agency” pursuant to SEQRA and determined that the subject action is an Unlisted action that will not have a significant effect on the environment;

NOW, THEREFORE BE IT

RESOLVED, that the applicant’s request for the issuance of a Conditional Use Permit and Preliminary and Final Site Plan Approval pursuant to Chapters 250-5.9B(1)(k) and 250-13.3 of the Code to a allow a 4,692 square foot animal hospital at 1467 Empire Blvd. is hereby GRANTED subject to the following conditions:

1. The applicant shall obtain a CONDITIONAL USE PERMIT from the Town Clerk and pay the appropriate fee. Said CONDITIONAL USE PERMIT is non-transferable. Any subsequent owner or operator shall be required to apply for and obtain a CONDITIONAL USE PERMIT from the Town Board to operate a business at this location.

2. Compliance with all requirements of the Town of Penfield Design and Construction Specifications, revised March 4, 2013.

3. All site work is to be in compliance with the standards of the Penfield Zoning Ordinance.

4. Compliance with all applicable comments concerning this application from the Development Review Committee as contained in Monroe County Department of Planning’s Referral #PN18-0222, dated September 28, 2018, except as otherwise provided herein.

5. The applicant shall comply with all applicable recommendations in the Town’s Project Review Committee’s comments dated September 26, 2018.

6. Compliance with the Town of Penfield’s Sidewalk Policy. Specifically, the applicant shall be responsible for the replacement of any sidewalks that are damaged during this project construction.

7. The applicant shall provide the Town of Penfield with a copy of all applicable permits from involved agencies. This shall also include a copy of the highway work permit issued by the New York State Department of Transportation for improved access to the subject property.
8. Compliance with the Town’s Highway Frontage Policy which limits the number of curb cuts onto major roads in the Town; however the Town will require the applicant to investigate with the NYSDOT the feasibility of issuance of two (2) curb cuts on this site to provide safer access for emergency responders and the general public. The determination of the number of curb cuts and their location to the site shall be at the direction of the New York State Department of Transportation.

9. The applicant shall submit a Property Maintenance Agreement in recordable form, subject to review and approval of the Town Attorney, and accompanied by appropriate filing fees. The Agreement shall specifically address maintenance and care of lawn, landscaping, drainage facilities, as well as driveway and parking areas. Obtaining the signature of the Town Engineer shall indicate compliance with this requirement.

10. The applicant shall submit a drainage inspection easement to allow the Town of Penfield to periodically inspect the proposed bio-retention area that will serve the site. Said easement shall be in the Town’s format.

11. The applicant shall submit a landscaping plan for the site for review and approval by the Town’s Landscape Consultant.

12. The applicant shall submit a sign package for the property which shall be subject to the approval of the Town Board.

13. The applicant shall work with his refuse hauler to ensure that refuse pickup at this location is only undertaken between the hours of 7:00 AM and 5:00 PM.

14. Any and all costs related to the relocation of utilities necessitated by this project shall be borne by the individual and/or the utility company requesting the relocation. All new utilities serving this project shall be installed underground and shall be approved by the Town Engineer.

15. The applicant shall obtain the signature of the Town Engineer on the final site plan which shall indicate compliance with this requirement.

16. Furnishing the Town with a Letter of Credit, in an amount to be approved by the Town Engineer. Said Letter of Credit shall insure that all public improvements and such other items as may be deemed necessary are constructed in accordance with the approved plan and the standards and specifications of the Town of Penfield.

17. Construction is to begin within one (1) year from the date of this resolution.

18. THIS RESOLUTION OF APPROVAL WITH CONDITIONS SHALL BE PRINTED IN ITS ENTIRETY AND CONTAINED ON AT LEAST ONE (1) SHEET WITHIN THE SITE PLAN SET.

The Board bases its finding and decision to APPROVE this application on the following:

1. Site Plan Approval Standards in Article IX: Factors for Consideration
(Resolution #18T-185 – Continued)

a. Adequacy and arrangement of pedestrian traffic access and circulation, vehicular traffic, parking, walkway structures, control of intersections with vehicular traffic, pedestrian convenience, and appropriate provisions for handicapped persons. The site consists of 2.8 +/- acres of which .60 acres is being redeveloped. The site will have 18 parking spaces, with two (2) identified for handicapped use. Determination regarding the improvements to the existing curb cut which previously served a single family residence will be approved by the New York State Department of Transportation.

b. Location, arrangement, size, architectural feature and design of buildings, lighting and signs. As much as possible, consideration should be given to noise sources, privacy and outdoor waste disposal locations. This property is being redeveloped based on the current zoning, and complies with all zoning requirements pertaining to setback and area requirements. Noise will be limited as the building is being designed for use as a veterinary hospital with no boarding and minimal overnight stays, which is allowable within the zoning district. The applicant proposes to utilize refuse totes and no dumpster is proposed for the site. Approval of the proposed signage for the site is subject to the review of the Town Board.

c. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between these and adjoining properties. Site plans should also show existing stands of trees on site. The applicant proposes to redevelop in the previously disturbed areas of the site and has demonstrated his intent to preserve as many trees as possible on the site. The final landscaping plan for the site will be reviewed and approved by the Town’s Landscape Consultant.

d. In the case of an apartment house or multiple dwelling, the adequacy of usable open space for playgrounds and informal recreation. Not applicable

e. Adequacy of storm water, sanitary waste disposal, and public water facilities. The site will use the existing utility infrastructure for water, sewer, electric and natural gas. New connections will be provided to the new building from the existing infrastructure. All connections will be installed in accordance with the NYS Building Code and town standards. Storm water retention and treatment will be handled on-site through a bio-retention area to be approved by the Town Engineer.

f. Protection of adjacent properties and the general public against noises, glare, and unsightliness, or other objectionable features. The use of the facility as professional office setting will fit into the surrounding neighborhood. The structure was designed to be aesthetically pleasing with the use of earth tone and neutral siding choices. Noise and light from the site will be limited.
g. The effect of the proposed development on environmentally sensitive areas such as but not limited to: wetlands, floodplains, woodlands, steep slopes and watercourses. There are no environmentally sensitive areas on the parcel in the area of redevelopment. The applicant and his architect have made every effort to minimize grading and loss of mature vegetation on the site.

h. Compliance with this Ordinance, Master Plan, Design and Construction Specifications, SEQRA, IBP, LWRP and any others. The development is compatible with the current zoning, the Town’s Comprehensive Plan and the Town’s Local Waterfront Revitalization Program (LWRP).

i. Provisions for adequate drainage away from walls or structures. The development will comply with the requirements of the Town Engineer and New York State Building Code to ensure that the structure will be constructed with proper grading for positive drainage away from its foundation.

j. Maintenance agreements, easements and other required legal documentation shall be approved by the Town Attorney. The applicant will be required to provide the Town with a Property Maintenance Agreement and a drainage Inspection Easement for the proposed bio-retention area in the Town’s format.

k. The impact of the proposed use on adjacent land uses. The development is consistent with local zoning as a conditionally permitted use and is consistent with surrounding development.

Moved: Moore
Seconded: Metzler
Vote: Kohl Aye LaFountain Aye
Metzler Aye Moore Aye
Quinn Aye

Adopted

#18T-186 Setting a Public Hearing to Consider Issuance of a Conditional Use Permit to Allow a Gold and Antique Jewelry Store at 1833 Penfield Road by Moore

WHEREAS, an application has been received by the Penfield Town Board for the issuance of a Conditional Use Permit pursuant to Chapter 250-5.10-D(1) of the Code to allow a gold and antique jewelry store at 1833 Penfield Road, located in the Four Corners (FC) zoning district;

NOW, THEREFORE BE IT

RESOLVED, that the Penfield Town Board is best suited to act as Lead Agency within the meaning of the State Environmental Quality Review Act (SEQRA) and thus does hereby designate itself as Lead Agency pursuant to SEQRA; and be it further

RESOLVED, that the subject application is determined to be an Unlisted action pursuant to the State Environmental Quality Review Act; and be it further
RESOLVED, that the Town Board of the said Town of Penfield shall hold a
Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the
Town of Penfield, New York on November 7, 2018 at 7:00 PM on said date,
to consider the said application and to hear all persons interested on
the question of the issuance of a Conditional Use Permit to allow a gold
and antique jewelry store at 1833 Penfield Road in the Four Corners (FC)
zoning district; and be it further

RESOLVED, that a copy of this Resolution, certified by the Town Clerk,
shall be published at least once in the official newspaper of the Town,
the first publication thereof to be not less than ten (10) nor more than
twenty (20) days before the date set for said Hearing as aforesaid. A
copy of this Resolution shall be posted on the official signboard of the
Town as prescribed by Law.

Moved:   Moore
Seconded: Kohl

Vote:  Kohl  Aye   LaFountain  Aye
       Metzler  Aye   Moore  Aye
       Quinn  Aye

Adopted

#18T-187 Granting Approval of a Conditional Use Permit to Allow Live
Music in the Outdoor Dining Area at K2 Brewery Located at 1221 Empire Blvd. by Moore

WHEREAS, an application has been received by the Penfield Town Board for
the issuance of a Conditional Use Permit pursuant to Chapter 250-5.9.B-1
of the Code to allow live music in the outdoor dining area of the K2
Brewery at 1221 Empire Blvd., located in the LaSalle’s Landing
Development (LLD) zoning district; and

WHEREAS, the Town Board of the said Town of Penfield held a Public
Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, in the Town of
Penfield, New York on September 5, 2018 at 7:00 PM on said date, to
consider the said application and to hear all persons interested on the
question of permitting live music in the outdoor dining area of K2
Brewery at 1221 Empire Blvd. and the Public Hearing was closed and
decision was reserved.

NOW, THEREFORE, BE IT

RESOLVED, that the applicants’ request to allow live music in the
outdoor dining area of the K2 Brewery at 1221 Empire Blvd. is hereby
GRANTED subject to the following conditions:

1. The applicant shall be permitted to have live music, consisting
   of no more than two (2) musicians on the outdoor dining area at
   any time. Said musicians shall be permitted to have acoustic
   and amplified music, however, said music shall be modulated so
   that at no time shall music levels emanate beyond the property
   lines of the site.

2. The applicant shall be permitted to have music in the outdoor
dining patio on Fridays, Saturdays and Sundays up to, and no
later than 10:00 PM. Any modification to these approved hours
and days shall be reviewed and approved by this Board.
3. The applicant shall ensure that there is adequate on-site parking to accommodate those patronizing any music events. Further, the applicant may utilize off-site parking facilities during such events, but only with the property owners’ permission. In no case shall parking be permitted in any portion of Wilbur Tract Road where access is obstructed or impeded to those residents of Wilbur Tract Road and emergency responders.

4. Failure to comply with the conditions set forth hereinabove may result in the revocation of this Conditional Use Permit pursuant to the requirements of the Zoning Ordinance.

AND BE IT FURTHER

RESOLVED, that the Town Board, acting as Lead Agency, has classified this proposal as an Unlisted action pursuant to the requirements of the State Environmental Quality Review Act (SEQRA) and no additional environmental review regarding this proposal is necessary.

The Town Board, in granting the applicant’s request, does so based on its following findings:

1. The applicant was granted approval for the brewery on April 5, 2017, at which time the use of music on the outdoor dining patio was also requested. The Board, concerned about potential noise impacts to the adjacent residential neighborhoods denied the applicants’ request and in its findings, stated that the applicant could apply for outdoor music once the brewery became established and demonstrated a good track record as a neighbor.

2. The applicant has operated at this location since December of 2017 and has demonstrated that it is a good neighbor and has not adversely impacted the adjacent residential neighborhoods during that time.

3. The applicant has received Special Recreation Permits in 2018 to permit music on the outdoor dining patio no later than 10:00 PM, on a trial basis with no noise impacts to any neighbor. In this application, the applicant has requested that it be permitted to have live acoustical and amplified music on the outdoor dining area on Fridays, Saturdays and Sundays, weather permitting, up to and no later than 10:00 PM. The Board has granted the applicants’ request as proposed. The applicant is in agreement with the Board’s conditions of approval, as fully discussed at the Board’s Work Session on September 5, 2018 and has offered to personally address any noise impacts to neighbors if an issue arises. The applicant is further aware that it must request approval for any modification to those times and days for outdoor music.

4. The Board has required that no music leave the confines of the site at any time. Failure to do so could result in the revocation of the Conditional Use Permit.

5. The applicant has received permission from its adjacent property owner to allow overflow parking on his property until such time as he develops his property. The applicant will be required to seek other parking facilities to accommodate overflow parking once the adjacent property is developed. In no case shall any portion of Wilbur Tract Road be obstructed or impeded with vehicles owned by those patronizing the applicants’ business. Violation of the Board’s condition pertaining to this condition may result in revocation of the Conditional Use Permit.
The Board bases its findings to APPROVE this application on the following:

7. Discussion with the applicant at the Town Board Work Session on September 26, 2018.

Moved: Moore
Seconded: Quinn

Vote: Kohl  Aye  LaFountain  Aye
       Metzler  Aye  Moore  Aye
       Quinn  Aye

Adopted

Authorization for Supervisor to Sign a License and Hold Harmless Agreement to Allow Pavement within a Sanitary Sewer Easement at 410 and 414 Maryview Drive by Moore

BE IT RESOLVED, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a License and Hold Harmless Agreement with Bill and Patricia Isaac owners of property of 410 Maryview Drive and Wally and Gerry Mauer owners of property at 414 Maryview Drive, to permit pavement to be installed within a Sanitary Sewer easement to the Town of Penfield, in a form and substance acceptable to the Town Attorney.

Moved: Moore
Seconded: Metzler

Vote: Kohl  Aye  LaFountain  Aye
       Metzler  Aye  Moore  Aye
       Quinn  Aye

Adopted

Advertising for Bids for the Phase II Replacement of a Portion of the Roof at the Community Center by Metzler

BE IT RESOLVED, that the Director of Public Works, be and hereby is authorized to advertise in the manner prescribed by Law for sealed proposals to furnish the Town of Penfield Department of Public Works the following:

Phase II of the Replacement of the Roof at the Penfield Community Center

NOW THEREFORE, BE IT FURTHER RESOLVED, that the replacement of a portion of the roof at the Community Center covered by such proposals shall be in accordance with specifications prepared by the Director of Public Works. Sealed proposals are to be received in the office of the Town Clerk until November 9th, 2018 at 11:00 AM local time and there and then to be opened and read publicly by the Town Clerk.
(Resolution #18T-189 - Continued)

Moved: Metzler
Seconded: Moore

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

#18T-190 Authorization to Sign an Intermunicipal Agreement for Snow
and Ice Control Services between the Town of Penfield and
Monroe County Department of Transportation by Metzler

WHEREAS, the Monroe County Department of Transportation owns, operates,
and maintains a highway system in the Town of Penfield; and

WHEREAS, the County desires to enter into an agreement with the Town for
snow removal and for salting and treating County roads for the purpose
of removing the danger of snow and ice; and

WHEREAS, the Town has appropriate snow and ice removal equipment and
sufficient snow and ice control personnel to contract with the County
for snow and ice control services;

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and hereby is
authorized to sign an intermunicipal agreement for snow and ice control
services between the Town of Penfield and Monroe County Department of
Transportation for the dates October 1, 2018 through September 30, 2023.
This agreement to be reviewed and approved by the Town Attorney.

Moved: Metzler
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

Public Safety - None

Community Services

#18T-191 Authorization for Supervisor to Sign Recreation Contracts
By Kohl

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to
sign the following Recreation Contracts:

Jean Sica, 130 West Scholfield Rd., Rochester, NY 14617, instructor for Tai Chi, 9/18/18 - 11/27/18, for a fee of 70% of total program revenue. Voucher to be submitted 11/7/18 & 12/5/18.

Moved: Kohl
Seconded: Quinn

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

Old Business - None
New Business

18T-192 Setting a Public Hearing to Consider Incentive Zoning for Final Site Plan Approval for a 4,500 St. Ft. Retail Building and a 5,000 Sq. Ft. Office Building at 2146 Fairport Nine Mile Point Road by Moore

WHEREAS, an application has been received by the Penfield Town Board, pursuant to §255-8 and §250-12.2 of the Code, to consider an application for Incentive Zoning and Final Site Plan approval for the development of a 4,500 square foot retail building and a 5,000 square foot office building on 1.45 +/- acres in the Business Non-Retail (BN-R) zoning district at 2146 Fairport-Nine Mile Point Road; and

WHEREAS, the applicant had requested and received Preliminary and Final Re-subdivision and Site Plan Approval from the Town Board on October 15, 2014 for the development of a 6,000 square foot retail building, which has been constructed, and Preliminary Site Plan Approval for a 4,080 square foot retail building and a 5,000 square foot office building;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Penfield will hold a Public Hearing at the Penfield Town Hall, 3100 Atlantic Avenue, Penfield, New York 14526 on November 7, 2018 at 7:00 PM on said date, to consider said application and to hear all persons on the question of consideration of said application; and be it further

RESOLVED, that the Penfield Town Board acted as “lead agency” within the meaning of the State Environmental Quality Review Act (SEQRA) and did designate itself as “lead agency” pursuant to SEQRA and has classified this proposal as an Unlisted action; and

BE IT FURTHER RESOLVED, that a copy of this Resolution, certified by the Town Clerk, shall be published at least once in the official newspaper of the Town, the first publication thereof not to be less than ten (10) nor more than twenty (20) days before the date set for said Hearing as aforesaid. A copy of this Resolution shall be posted on the official signboard of the Town as prescribed by Law.

Moved: Moore
Seconded: Kohl

Vote: Kohl Aye LaFountain Aye
      Metzler Aye Moore Aye
      Quinn Aye

Adopted

Public Participation

Rose Hanscom, 145 Anytrell Drive, stated that live music could be heard on October 13, 2018 from Baytowne Plaza. She investigated and found that a tent had been set up with a band for an event held by Witchcraft Brewery. She also stated she had heard loud events in the plaza throughout the summer. Ms. Hanscom handed to the Town Clerk part of the Property Maintenance Agreement for the Baytowne Plaza Subdivision that was signed by DiMarco Brandt Point, LLC and the Town of Penfield in August 2016. It stated that outdoor amplification or outdoor speaker systems are prohibited and as such tenants agree that no use of such devices will be allowed.

Supervisor LaFountain stated he will look into the issue.

Ms. Hanscom stated that the Property Maintenance Agreement is constantly violated.
Executive Session - None

Next Meeting - November 7, 2018

Adjournment

Supervisor LaFountain moved to adjourn the meeting at 8:02 PM.

Amy Steklof, RMC/CMC
Town Clerk